

From: Vartan Piroumian
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Proposed Final Judgement: United States versus Microsoft

January 23 2002

Dear Sir or Madam,

As per the Tunney Act I am writing to express my considerable dismay at the Proposed Final Judgement (PFJ) in the case of the United States versus Microsoft. My motivation for writing is to give you a perspective on the dangers of allowing Microsoft to escape justice through the inadequate terms of the PFJ. I hope to encourage you to draft a much more comprehensive, precise, unambiguous settlement that adequately curbs Microsoft from further hurting the American people as well as citizens of many other countries.

I am a professional software engineer, and I am very well versed in the technical details that surround all of the issues in the Findings of Fact, Competitive Impact Report, and other official documents related to this case. This letter is not the appropriate forum to discuss all of these technical issues. Nevertheless, I would like to point out the crux of the issue at hand.

I believe the important question for the citizens of the United States, in the spirit of the motivation behind the laws that prohibit monopolization in our country, is: "Does this settlement address the best interests of Americans?" My answer is a resounding and unequivocal NO! The myriad ways in which Microsoft relentlessly pursues absolute domination through unethical, immoral and illegal activities will continue to hurt Americans as it has already done!

The fact is that Microsoft software is inferior in many regards to alternative offerings that are available to the general public at lower cost. Yet consumers are not aware of this fact because they have never been given a chance to see alternative offerings, which are not allowed to compete in a fair, competitive environment. Microsoft has intentionally created a vicious cycle--which will be perpetuated by your currently proposed PFJ--that prohibits consumers from ever seeing alternative software solutions.

Microsoft has intentionally created an anti-competitive operating environment in which OEMs, VARs, and so forth are discouraged--even

threatened--from even exposing alternative software to consumers. Moreover, they create unfair competition by restricting access to their platform and by creating proprietary application programming interfaces (APIs), file formats, network protocol extensions, and so forth. Moreover, they have intentionally broken the compatibility of other vendors' software. The result is a vicious cycle in which consumers are more and more convinced that Microsoft software works better than anything else.

Other vendors can't compete on equal footing because of their disadvantage in software development, sales, deployment and exposure. The consumers' experience is that only Microsoft software is compatible with the Microsoft platform and environments. Consumers are therefore discouraged from using alternative software. This decision further increases Microsoft's stranglehold on the market, perpetuating the cycle.

After more than fifteen years, simple, common Microsoft office applications still contain a plethora of bugs. Consumers in all walks of the private, commercial and high-tech sectors complain bitterly about the lack of quality and reliability of Microsoft products. They get inadequate technical assistance, pay increasingly more for their products, and are subject to tighter licensing fees that lock them into increasing dependency on Microsoft products.

Furthermore, innovation from other companies continues to be stifled. Therefore, consumers and professionals alike are condemned to further suffer the inferior status quo. How is all this in the best interest of Americans?

The average American thinks Microsoft is wonderful because they've never been given the chance to see any alternative solutions. Only you, the government, can remedy this situation. Create an environment that truly fosters fair competition. Give vendors a chance to compete on equal footing. Then let the market decide. Isn't that the main tenet of a free market, capitalist economy?

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